

IP LEGAL STRATEGIES GROUP P.C.

1480 Falmouth Rd • PO Box 1210 • Centerville MA 02632-1210

Tel: (508) 790-9299 • Fax: (508) 790-1955

Leslie Meyer-Leon, Ph.D., J.D.
Registered Patent Attorney

Office@IPLegalStrategies.com
(978) 443-9411

August 4, 2004

BY FACSIMILE AND ELECTRONIC MAIL
ORIGINAL BY MAIL

Thomas L. Peterson, Esq.
Banner & Witcoff Ltd.
1001 G Street N.W.
Suite 1100
Washington, DC 20001-4597

Re: Patent applications of Frederick J. Murphy
US Application Serial Nos. 09/877,238, 09/877,239, and 09/877,240

Dear Tom:

I have been engaged to represent Mr. Frederick J. Murphy, and am writing to you regarding three patent applications that were filed by Mr. Murphy in 2001 (hereafter "the 2001 applications")¹. Mr. Murphy is the sole named inventor and applicant of the 2001 applications, has never executed an assignment of the 2001 applications, and (as discussed below) is the owner of record of the 2001 applications. On behalf of Mr. Murphy, I am writing to request that you transfer the original case files pertaining to the 2001 applications to me immediately at the address shown above.

Please find enclosed, with the confirmation copy of this letter, copies of "*Revocation Of Power Of Attorney With New Power Of Attorney And Change Of Correspondence Address*" forms, which were executed by Mr. Murphy and filed with the U.S. Patent & Trademark Office ("USPTO") by express mail on July 29, 2004, for each of the 2001 applications.

Mr. Murphy's ownership interest in the 2001 applications is evidenced by the content of the applications themselves. I have recently examined the specification and drawings of the 2001 applications and the USPTO file record of prior application serial no. 09/506,925, filed February 18, 2000 ("the '925 application"). Although the benefit claims published on the face of

¹ US Serial No. 09/877,240, filed on 06-11-2001, "*Method and apparatus for delivery of digital images over a computer network*" (US2002/0036792A1, published 2002-03-28); US Serial No. 09/877,239, filed on 06-11-2001, "*Method and apparatus for delivery of facsimile documents over a computer network*" (US2002/0033961A1, published 2002-03-21); US Serial No. 09/877,238, filed on 06-11-2001, "*Method and apparatus for interfacing a plurality of devices to a computer network*" (US2002/0036791A1, published 2002-03-28)

each of the 2001 applications² represent that they are divisional applications of the '925 application, this is clearly not the case, because the disclosure of a divisional application may not depart from the substance of the prior application by including new subject matter. MPEP § 201.06. The 2001 applications include a substantial amount of added subject matter. (By way of example, each of the 2001 applications has forty-seven figure drawings. The '925 application has only nine figure drawings.) The 2001 applications should have been filed as continuation-in-part applications. *See*, MPEP § 201.08.

As you know, a continuation-in-part application requires far different treatment than a divisional/continuation application. Title to a continuation-in-part application is not conveyed by virtue of any prior assignment of the original or prior application. Mr. Murphy did not execute an assignment to the 2001 applications, so title resides with Mr. Murphy.

As an additional matter, during my review of the prosecution history of the '925 application I became aware of a June 30, 2004, statutory bar date for responding to a final office action mailed in December of 2003. Would you kindly let me know whether any action was taken prior to June 30, 2004, to maintain the '925 application and/or the subject matter or claims therein? Due to the possible interests of NetFax Incorporated in connection with the '925 application, I am forwarding a courtesy copy of this letter to Mr. Bellinger.

Please feel free to call me if you have any questions.

Very truly yours,



Leslie Meyer-Leon

LML/kah
Enclosures
c.c.: Mr. Joseph Bellinger, Trustee

² US2002/0033961A1, March 21, 2002, at page 1; US2002/0036792A1, March 28, 2002, at page 1; US2002/0036792A1, March 28, 2002, at page 1 ("*Related U.S. Application Data[:]*) Division of application No. 09/506,925, filed on Feb. 18, 2000, which is a division of application No. 09/184,972, filed on Nov. 3, 1998, now Pat. No. 6,028,679, which is a division of application No. 08/555,911, filed on Nov. 13, 1995.")

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/877,238
Filing Date	June 11, 2001
First Named Inventor	Frederick J. Murphy
Art Unit	
Examiner Name	
Attorney Docket Number	0503-002US2

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: 32665

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number:

32665

OR

☐ Firm or
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

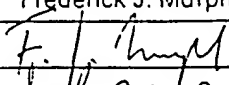
I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name Frederick J. Murphy

Signature 

Date July 26, 2004

Telephone

508-457-9788

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit all the forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public who wish to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Duplicate

PTO/SB/82 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS

Application Number	09/877,233
Filing Date	June 11, 2001
First Named Inventor	Frederick J. Murphy
Art Unit	
Examiner Name	
Attorney Docket Number	0503-002US3

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: 32665

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number: 32665

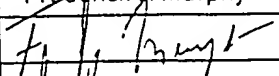
OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone		Fax			

I am the:

- ☒ Applicant/Inventor.
- ☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	Frederick J. Murphy		
Signature			
Date	Jul 26, 2004	Telephone	508-457-9763

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/877,240
Filing Date	June 11, 2001
First Named Inventor	Frederick J. Murphy
Art Unit	
Examiner Name	
Attorney Docket Number	0503-002US4

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

32665

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number:

32665

OR

☐ Firm or
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name Frederick J. Murphy

Signature

Date

Telephone

508-457-9783

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.